

1647
FW

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On November 18, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Karen Karlin

PATENT
Attorney Docket No.: 02307E-098010US
Client Ref. No.: UC Case No. 2000-045-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZUKER et al.

Application No.: 09/510,332

Filed: February 22, 2000

For: NUCLEIC ACIDS ENCODING
T2R TASTE RECEPTORS

Customer No.: 20350

Confirmation No. 2643

Examiner: Landsman, Robert

Technology Center/Art Unit: 1647

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF
ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed October 21, 2004, Applicants respectfully petition under 37 C.F.R. § 1.181(a) and MPEP § 711.03 to withdraw the holding of abandonment for the above-referenced patent application.

As evidence, the following items are submitted herewith:

Exhibit A: A copy of a return postcard, which indicates the mailing of the corrected drawings, both in color and in black-and-white, on August 30, 2004, and the receipt of the submission by the PTO on September 2, 2004.

Petition dated November 17, 2004

In response to Notice of Abandonment of October 21, 2004

REMARKS

According to the Notice of Abandonment mailed on October 21, 2004, the above-referenced patent application has been deemed abandoned, because the corrected drawings as required in the Notice of Allowance mailed June 9, 2004, have not been received.

Applicants submit that the Notice of Abandonment is in error, because the corrected drawings were timely filed with the PTO on August 30, 2004. As evidenced by Exhibit A, the required corrected drawings were mailed to the PTO on August 30, 2004. The submission was received by the PTO on September 2, 2004, which is evidenced by the PTO stamp on the return postcard.

As such, Applicants hereby respectfully request grant of the petition and withdrawal of the holding of abandonment for the above-referenced patent application. The corrected drawings (3 color sets of 2 sheets of Figures 1 and 3 plus 1 black/white set of 81 sheets), along with a petition under 37 C.F.R. §1.84 to accept color drawings, are hereby enclosed.

Should the petition to withdraw holding of abandonment not be granted, Applicants petition in the alternative to revive the above-referenced application under 37 C.F.R. § 1.137(b) as unintentionally abandoned for failure to timely file the corrected drawings as required by the Notice of Allowance mailed June 9, 2004. Applicants request revival of the application and authorize payment of the petition fee, pursuant to 37 C.F.R. 1.17(m), in the amount of \$1370.00 for a large entity from Deposit Account No. 20-1430 of the undersigned.

Applicants further state that the entire delay in filing the petition pursuant to 37 C.F.R. 1.137(b)(3), from the final due date for filing the corrected drawings in response to the Notice of Allowance to the filing of a grantable petition, including the delay from the date of discovery of the abandonment of the application, was unintentional.

Applicants further submit a revocation of power of attorney with new power of attorney and change of corresponding address.

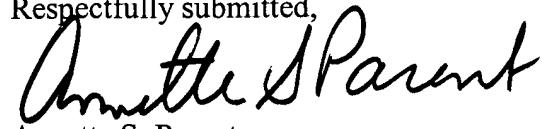
Appl. No. 09/510,332
Petition dated November 8, 2004
In response to Notice of Abandonment of October 21, 2004

PATENT

Please charge any additional fees or credit overpayment to the above deposit account.

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,



Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments (Exhibit A: a copy of return postcard from the PTO)
ASP:cg
60352355 v1



TO THE U.S. PATENT AND TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s)

RE: Charles S. Zuker et al.

TITLE OF DOCUMENT(S):

Transmittal Form; Fee Transmittal x2; Part B-Fee(s) Transmittal x2; Revocation of Power of Attorney w/New Power of Attorney and Change of Correspondence Address (NIH/UC); Statement Under 37 CFR 3.73(b) (NIH/UC); Submission of Replacement Drawing Sheets and Petition Under 37 CFR 1.84 to Accept Color Drawings w/1 complete black/white set of 3 sheets; 3 color sets of 2 sheets of Figs 1 and 3

Application No. 09/510,332

File No. 02307E-098010US

Date Due September 9, 2004

Date Mailed: August 30, 2004

Attny/Secty. ASP/kk

60294925 v1

